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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 JANE DOE, A Minor,  
by and through her Guardian  
ad Litem, WILFRED SCOTT,

Case No. C-11-04759 JCS

Plaintiff,

**ORDER GRANTING PETITION FOR  
GUARDIAN AD LITEM AND REQUESTING  
A FINANCIAL DECLARATION FROM  
PLAINTIFF'S GUARDIAN AD LITEM**

V.

RYAN GILL, et al.,

### Defendants.

## I. INTRODUCTION

16 On September 23, 2011, Wayne Johnson, counsel for Jane Doe, filed a petition to appoint  
17 Wilfred Scott to serve as Jane Doe's Guardian ad Litem in the above-entitled action ("Petition"). An  
18 Application to Proceed In Forma Pauperis was filed on the same day. For the reasons set forth  
19 below, the Court GRANTS the Petition and requests further information in support of the  
20 Application to Proceed In Forma Pauperis.

**21 || II. THE PETITION**

22 Wilfred Scott, “Husband of the Aunt of the Minor,” has attested in the Petition that he “is  
23 fully competent to understand and qualified to protect the rights of the minor.” Petition at ¶¶ 4, 7.  
24 Mr. Scott has further declared that he “is willing to serve as the guardian ad litem for the minor and  
25 has no interest adverse to that of the minor.” *Id.* at ¶ 7. For these reasons, and because the Court has  
26 received no opposition to the Petition, IT IS HEREBY ORDERED that Wilfred Scott is appointed as  
27 Guardian ad Litem for Plaintiff Jane Doe.

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**1 III. THE APPLICATION TO PROCEED IN FORMA PAUPERIS**

2 Title 28 U.S.C. § 1915(a) requires that a party seeking to proceed *in forma pauperis* submit  
3 an affidavit declaring that “he is unable to pay” Court costs. The minor plaintiff in this action has  
4 submitted a declaration of her inability to pay. The guardian *ad litem*, however, has not submitted  
5 any evidence of an inability to pay. “[W]here leave to proceed *in forma pauperis* is sought to  
6 vindicate the alleged substantive rights of a minor, the financial resources of both the minor and the  
7 volunteer parent, next friend, or guardian *ad litem* should be considered in determining ability to pay  
8 the costs of litigation.” *Cottingham v. Bd. of Educ. of the Emery Unified Sch. Dist., et al.*, 1993 WL  
9 79698, at \*1 (N.D. Cal. March 15, 1993) (*citing Williams v. Spencer*, 455 F.Supp. 205, 209 (D. Md.  
10 1978)).

11 Accordingly, Wilfred Scott is requested to complete the Court’s standard form in support of  
12 the Application to Proceed In Forma Pauperis, providing his own financial information, no later than  
13 Monday, October 17, 2011.

14 IT IS SO ORDERED.

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16 Dated: October 3, 2011

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18 JOSEPH L. SPERO  
19 United States Magistrate Judge  
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